

SECOND REGULAR SESSION

SENATE BILL NO. 1024

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3344S.04I

AN ACT

To repeal sections 105.711, 226.095, 537.600, and 537.610, RSMo, and to enact in lieu thereof three new sections relating to civil actions against government entities, agents, officers, and employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 105.711, 226.095, 537.600, and 537.610, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be known as sections
3 105.711, 537.600, and 537.610, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which
2 shall consist of moneys appropriated to the fund by the general assembly and
3 moneys otherwise credited to such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the
5 payment of any claim or any amount required by any final judgment rendered by
6 a court of competent jurisdiction against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section
8 536.050 or 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the
10 state, including, without limitation, elected officials, appointees, members of state
11 boards or commissions, and members of the Missouri national guard upon conduct
12 of such officer or employee arising out of and performed in connection with his or
13 her official duties on behalf of the state, or any agency of the state, provided that
14 moneys in this fund shall not be available for payment of claims made under
15 chapter 287, RSMo;

16 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse,
17 or other health care provider licensed to practice in Missouri under the provisions

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the
19 state of Missouri or any agency of the state, under formal contract to conduct
20 disability reviews on behalf of the department of elementary and secondary
21 education or provide services to patients or inmates of state correctional facilities
22 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist,
23 dentist, nurse, or other health care provider licensed to practice in Missouri
24 under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who
25 is under formal contract to provide services to patients or inmates at a county jail
26 on a part-time basis;

27 (b) Any physician licensed to practice medicine in Missouri under the
28 provisions of chapter 334, RSMo, and his professional corporation organized
29 pursuant to chapter 356, RSMo, who is employed by or under contract with a city
30 or county health department organized under chapter 192, RSMo, or chapter 205,
31 RSMo, or a city health department operating under a city charter, or a combined
32 city-county health department to provide services to patients for medical care
33 caused by pregnancy, delivery, and child care, if such medical services are
34 provided by the physician pursuant to the contract without compensation or the
35 physician is paid from no other source than a governmental agency except for
36 patient co-payments required by federal or state law or local ordinance;

37 (c) Any physician licensed to practice medicine in Missouri under the
38 provisions of chapter 334, RSMo, who is employed by or under contract with a
39 federally funded community health center organized under Section 315, 329, 330
40 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services
41 to patients for medical care caused by pregnancy, delivery, and child care, if such
42 medical services are provided by the physician pursuant to the contract or
43 employment agreement without compensation or the physician is paid from no
44 other source than a governmental agency or such a federally funded community
45 health center except for patient co-payments required by federal or state law or
46 local ordinance. In the case of any claim or judgment that arises under this
47 paragraph, the aggregate of payments from the state legal expense fund shall be
48 limited to a maximum of one million dollars for all claims arising out of and
49 judgments based upon the same act or acts alleged in a single cause against any
50 such physician, and shall not exceed one million dollars for any one claimant;

51 (d) Any physician licensed pursuant to chapter 334, RSMo, who is
52 affiliated with and receives no compensation from a nonprofit entity qualified as
53 exempt from federal taxation under Section 501(c)(3) of the Internal Revenue

54 Code of 1986, as amended, which offers a free health screening in any setting or
55 any physician, nurse, physician assistant, dental hygienist, dentist, or other
56 health care professional licensed or registered under chapter 330, 331, 332, 334,
57 335, 336, 337, or 338, RSMo, who provides health care services within the scope
58 of his or her license or registration at a city or county health department
59 organized under chapter 192, RSMo, or chapter 205, RSMo, a city health
60 department operating under a city charter, or a combined city-county health
61 department, or a nonprofit community health center qualified as exempt from
62 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
63 amended, if such services are restricted to primary care and preventive health
64 services, provided that such services shall not include the performance of an
65 abortion, and if such health services are provided by the health care professional
66 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
67 RSMo, without compensation. MO HealthNet or Medicare payments for primary
68 care and preventive health services provided by a health care professional
69 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
70 RSMo, who volunteers at a free health clinic is not compensation for the purpose
71 of this section if the total payment is assigned to the free health clinic. For the
72 purposes of the section, "free health clinic" means a nonprofit community health
73 center qualified as exempt from federal taxation under Section 501 (c)(3) of the
74 Internal Revenue Code of 1987, as amended, that provides primary care and
75 preventive health services to people without health insurance coverage for the
76 services provided without charge. In the case of any claim or judgment that
77 arises under this paragraph, the aggregate of payments from the state legal
78 expense fund shall be limited to a maximum of five hundred thousand dollars, for
79 all claims arising out of and judgments based upon the same act or acts alleged
80 in a single cause and shall not exceed five hundred thousand dollars for any one
81 claimant, and insurance policies purchased pursuant to the provisions of section
82 105.721 shall be limited to five hundred thousand dollars. Liability or
83 malpractice insurance obtained and maintained in force by or on behalf of any
84 health care professional licensed or registered under chapter 330, 331, 332, 334,
85 335, 336, 337, or 338, RSMo, shall not be considered available to pay that portion
86 of a judgment or claim for which the state legal expense fund is liable under this
87 paragraph;

88 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist
89 licensed or registered to practice medicine, nursing, or dentistry or to act as a

90 physician assistant or dental hygienist in Missouri under the provisions of
91 chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides
92 medical, nursing, or dental treatment within the scope of his license or
93 registration to students of a school whether a public, private, or parochial
94 elementary or secondary school, if such physician's treatment is restricted to
95 primary care and preventive health services and if such medical, dental, or
96 nursing services are provided by the physician, dentist, physician assistant,
97 dental hygienist, or nurse without compensation. In the case of any claim or
98 judgment that arises under this paragraph, the aggregate of payments from the
99 state legal expense fund shall be limited to a maximum of five hundred thousand
100 dollars, for all claims arising out of and judgments based upon the same act or
101 acts alleged in a single cause and shall not exceed five hundred thousand dollars
102 for any one claimant, and insurance policies purchased pursuant to the provisions
103 of section 105.721 shall be limited to five hundred thousand dollars; or

104 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed
105 under chapter 332, RSMo, providing medical care without compensation to an
106 individual referred to his or her care by a city or county health department
107 organized under chapter 192 or 205, RSMo, a city health department operating
108 under a city charter, or a combined city-county health department, or nonprofit
109 health center qualified as exempt from federal taxation under Section 501(c)(3)
110 of the Internal Revenue Code of 1986, as amended, or a federally funded
111 community health center organized under Section 315, 329, 330, or 340 of the
112 Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such
113 treatment shall not include the performance of an abortion. In the case of any
114 claim or judgment that arises under this paragraph, the aggregate of payments
115 from the state legal expense fund shall be limited to a maximum of one million
116 dollars for all claims arising out of and judgments based upon the same act or
117 acts alleged in a single cause and shall not exceed one million dollars for any one
118 claimant, and insurance policies purchased under the provisions of section
119 105.721 shall be limited to one million dollars. Liability or malpractice insurance
120 obtained and maintained in force by or on behalf of any physician licensed under
121 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not
122 be considered available to pay that portion of a judgment or claim for which the
123 state legal expense fund is liable under this paragraph;

124 (4) Staff employed by the juvenile division of any judicial circuit;

125 (5) Any attorney licensed to practice law in the state of Missouri who

126 practices law at or through a nonprofit community social services center qualified
127 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
128 Code of 1986, as amended, or through any agency of any federal, state, or local
129 government, if such legal practice is provided by the attorney without
130 compensation. In the case of any claim or judgment that arises under this
131 subdivision, the aggregate of payments from the state legal expense fund shall be
132 limited to a maximum of five hundred thousand dollars for all claims arising out
133 of and judgments based upon the same act or acts alleged in a single cause and
134 shall not exceed five hundred thousand dollars for any one claimant, and
135 insurance policies purchased pursuant to the provisions of section 105.721 shall
136 be limited to five hundred thousand dollars; or

137 (6) Any social welfare board created under section 205.770, RSMo, and the
138 members and officers thereof upon conduct of such officer or employee while
139 acting in his or her capacity as a board member or officer, and any physician,
140 nurse, physician assistant, dental hygienist, dentist, or other health care
141 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
142 337, or 338, RSMo, who is referred to provide medical care without compensation
143 by the board and who provides health care services within the scope of his or her
144 license or registration as prescribed by the board.

145 3. The department of health and senior services shall promulgate rules
146 regarding contract procedures and the documentation of care provided under
147 paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
148 section. The limitation on payments from the state legal expense fund or any
149 policy of insurance procured pursuant to the provisions of section 105.721,
150 provided in subsection 7 of this section, shall not apply to any claim or judgment
151 arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
152 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),
153 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the
154 state legal expense fund or any policy of insurance procured pursuant to section
155 105.721, to the extent damages are allowed under sections 538.205 to 538.235,
156 RSMo. Liability or malpractice insurance obtained and maintained in force by
157 any health care professional licensed or registered under chapter 330, 331, 332,
158 334, 335, 336, 337, or 338, RSMo, for coverage concerning his or her private
159 practice and assets shall not be considered available under subsection 7 of this
160 section to pay that portion of a judgment or claim for which the state legal
161 expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3)

162 of subsection 2 of this section. However, a health care professional licensed or
163 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may
164 purchase liability or malpractice insurance for coverage of liability claims or
165 judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of
166 subdivision (3) of subsection 2 of this section which exceed the amount of liability
167 coverage provided by the state legal expense fund under those paragraphs. Even
168 if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this
169 section is repealed or modified, the state legal expense fund shall be available for
170 damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of
171 subdivision (3) of subsection 2 of this section is in effect.

172 4. The attorney general shall promulgate rules regarding contract
173 procedures and the documentation of legal practice provided under subdivision
174 (5) of subsection 2 of this section. The limitation on payments from the state
175 legal expense fund or any policy of insurance procured pursuant to section
176 105.721 as provided in subsection 7 of this section shall not apply to any claim
177 or judgment arising under subdivision (5) of subsection 2 of this section. Any
178 claim or judgment arising under subdivision (5) of subsection 2 of this section
179 shall be paid by the state legal expense fund or any policy of insurance procured
180 pursuant to section 105.721 to the extent damages are allowed under sections
181 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained
182 and maintained in force shall not be considered available under subsection 7 of
183 this section to pay that portion of a judgment or claim for which the state legal
184 expense fund is liable under subdivision (5) of subsection 2 of this
185 section. However, an attorney may obtain liability or malpractice insurance for
186 coverage of liability claims or judgments based upon legal practice rendered
187 under subdivision (5) of subsection 2 of this section that exceed the amount of
188 liability coverage provided by the state legal expense fund under subdivision (5)
189 of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this
190 section is repealed or amended, the state legal expense fund shall be available for
191 damages that occur while the pertinent subdivision (5) of subsection 2 of this
192 section is in effect.

193 5. All payments shall be made from the state legal expense fund by the
194 commissioner of administration with the approval of the attorney
195 general. Payment from the state legal expense fund of a claim or final judgment
196 award against a health care professional licensed or registered under chapter 330,
197 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b), (c),

198 (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an
199 attorney in subdivision (5) of subsection 2 of this section, shall only be made for
200 services rendered in accordance with the conditions of such paragraphs. In the
201 case of any claim or judgment against an officer or employee of the state or any
202 agency of the state based upon conduct of such officer or employee arising out of
203 and performed in connection with his or her official duties on behalf of the state
204 or any agency of the state that would give rise to a cause of action under section
205 537.600, RSMo, the state legal expense fund shall be liable[, excluding punitive
206 damages,] for **an amount not to exceed:**

207 (1) [Economic damages to any one claimant] **Two million dollars for**
208 **all claims arising out of a single accident or occurrence;** and

209 (2) [Up to three hundred fifty thousand dollars for noneconomic damages]
210 **Three hundred thousand dollars for any one person in a single accident**
211 **or occurrence.**

212 The state legal expense fund shall be the exclusive remedy and shall preclude any
213 other civil actions or proceedings for money damages arising out of or relating to
214 the same subject matter against the state officer or employee, or the officer's or
215 employee's estate. No officer or employee of the state or any agency of the state
216 shall be individually liable in his or her personal capacity for conduct of such
217 officer or employee arising out of and performed in connection with his or her
218 official duties on behalf of the state or any agency of the state. The provisions of
219 this subsection shall not apply to any defendant who is not an officer or employee
220 of the state or any agency of the state in any proceeding against an officer or
221 employee of the state or any agency of the state. Nothing in this subsection shall
222 limit the rights and remedies otherwise available to a claimant under state law
223 or common law in proceedings where one or more defendants is not an officer or
224 employee of the state or any agency of the state.

225 6. The limitation on awards [for noneconomic damages] provided for in
226 [this] subsection **5 of this section** shall be increased or decreased on an annual
227 basis effective January first of each year in accordance with the Implicit Price
228 Deflator for Personal Consumption Expenditures as published by the Bureau of
229 Economic Analysis of the United States Department of Commerce. The current
230 value of the limitation shall be calculated by the director of the department of
231 insurance, who shall furnish that value to the secretary of state, who shall
232 publish such value in the Missouri Register as soon after each January first as
233 practicable, but it shall otherwise be exempt from the provisions of section

234 536.021, RSMo.

235 7. Except as provided in subsection 3 of this section, in the case of any
236 claim or judgment that arises under sections 537.600 and 537.610, RSMo, against
237 the state of Missouri, or an agency of the state, the aggregate of payments from
238 the state legal expense fund and from any policy of insurance procured pursuant
239 to the provisions of section 105.721 shall not exceed the limits of liability as
240 provided in sections 537.600 to 537.610, RSMo. No payment shall be made from
241 the state legal expense fund or any policy of insurance procured with state funds
242 pursuant to section 105.721 unless and until the benefits provided to pay the
243 claim by any other policy of liability insurance have been exhausted.

244 8. The provisions of section 33.080, RSMo, notwithstanding, any moneys
245 remaining to the credit of the state legal expense fund at the end of an
246 appropriation period shall not be transferred to general revenue.

247 9. Any rule or portion of a rule, as that term is defined in section 536.010,
248 RSMo, that is promulgated under the authority delegated in sections 105.711 to
249 105.726 shall become effective only if it has been promulgated pursuant to the
250 provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to
251 repeal or affect the validity of any rule filed or adopted prior to August 28, 1999,
252 if it fully complied with the provisions of chapter 536, RSMo. This section and
253 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
254 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
255 date, or to disapprove and annul a rule are subsequently held unconstitutional,
256 then the grant of rulemaking authority and any rule proposed or adopted after
257 August 28, 1999, shall be invalid and void.

537.600. 1. Such sovereign or governmental tort immunity as existed at
2 common law in this state prior to September 12, 1977, except to the extent
3 waived, abrogated or modified by statutes in effect prior to that date, shall
4 remain in full force and effect; except that, the immunity of the public entity from
5 liability and suit for compensatory damages for negligent acts or omissions is
6 hereby expressly waived in the following instances:

7 (1) Injuries directly resulting from the negligent acts or omissions by
8 public employees arising out of the operation of motor vehicles or motorized
9 vehicles within the course of their employment;

10 (2) Injuries caused by the condition of a public entity's property if the
11 plaintiff establishes that the property was in dangerous condition at the time of
12 the injury, that the injury directly resulted from the dangerous condition, that the

13 dangerous condition created a reasonably foreseeable risk of harm of the kind of
14 injury which was incurred, and that either a negligent or wrongful act or
15 omission of an employee of the public entity within the course of his employment
16 created the dangerous condition or a public entity had actual or constructive
17 notice of the dangerous condition in sufficient time prior to the injury to have
18 taken measures to protect against the dangerous condition. In any action under
19 this subdivision wherein a plaintiff alleges that he was damaged by the negligent,
20 defective or dangerous design of a highway or road, which was designed and
21 constructed prior to September 12, 1977, the public entity shall be entitled to a
22 defense which shall be a complete bar to recovery whenever the public entity can
23 prove by a preponderance of the evidence that the alleged negligent, defective, or
24 dangerous design reasonably complied with highway and road design standards
25 generally accepted at the time the road or highway was designed and constructed.

26 2. **Except as provided in subsection 5 of section 537.610**, the
27 express waiver of sovereign immunity in the instances specified in subdivisions
28 (1) and (2) of subsection 1 of this section are absolute waivers of sovereign
29 immunity in all cases within such situations whether or not the public entity was
30 functioning in a governmental or proprietary capacity and whether or not the
31 public entity is covered by a liability insurance for tort.

32 3. The term "public entity" as used in this section shall include any
33 multistate compact agency created by a compact formed between this state and
34 any other state which has been approved by the Congress of the United States.

537.610. 1. The commissioner of administration, through the purchasing
2 division, and the governing body of each political subdivision of this state,
3 notwithstanding any other provision of law, may purchase liability insurance for
4 tort claims, made against the state or the political subdivision, but the maximum
5 amount of such coverage shall not exceed two million dollars for all claims arising
6 out of a single occurrence and shall not exceed three hundred thousand dollars
7 for any one person in a single accident or occurrence, except for those claims
8 governed by the provisions of the Missouri workers' compensation law, chapter
9 287, RSMo, and no amount in excess of the above limits shall be awarded or
10 settled upon. Sovereign immunity for the state of Missouri and its political
11 subdivisions is waived only to the maximum amount of and only for the purposes
12 covered by such policy of insurance purchased pursuant to the provisions of this
13 section and in such amount and for such purposes provided in any self-insurance
14 plan duly adopted by the governing body of any political subdivision of the state.

15 2. The liability of the state and its public entities on claims within the
16 scope of sections 537.600 to 537.650, shall not exceed two million dollars for all
17 claims arising out of a single accident or occurrence and shall not exceed three
18 hundred thousand dollars for any one person in a single accident or occurrence,
19 except for those claims governed by the provisions of the Missouri workers'
20 compensation law, chapter 287, RSMo.

21 3. **The liability of the state or its public entities and any agent,**
22 **officer, or employee of the state or its public entities arising out of the**
23 **operation of a motor vehicle being operated within the course and**
24 **scope of their office, employment, or agency with the state or its public**
25 **entities shall not exceed two million dollars for all claims against all**
26 **such entities or individuals arising out of a single accident or**
27 **occurrence, and shall not exceed three hundred thousand dollars for**
28 **any one person in a single accident or occurrence, except for those**
29 **claims governed by the provisions of the Missouri workers'**
30 **compensation law, chapter 287, RSMo. When a claim against the state**
31 **or one of its public entities arises out of the operation of a motor**
32 **vehicle as described in subdivision (1) of subsection 1 of section**
33 **537.600, and a claim is also brought against an agent, officer, or**
34 **employee of the state or its public entities arising out of the same**
35 **accident or occurrence, the maximum allowable recovery against the**
36 **state, one of its public entities, or any agent, officer, or employee of the**
37 **state or its public entities shall be reduced by any amount paid towards**
38 **the claim by the state, its public entities, agents, officers or employees**
39 **of the same, or anyone acting on their behalf.**

40 4. **The liability of the state or its public entities and any agent,**
41 **officer, or employee of the state or its political entities arising out of**
42 **any dangerous condition of property which the agent, officer, or**
43 **employee allegedly caused or contributed to cause shall not exceed two**
44 **million dollars for all claims against all such entities or individuals**
45 **arising out of the single accident or occurrence, and shall not exceed**
46 **three hundred thousand dollars for any one person in a single accident**
47 **or occurrence, except for those claims governed by the provisions of**
48 **the Missouri workers' compensation law, chapter 287, RSMo. When a**
49 **claim against the state or its public entities arises out of a dangerous**
50 **condition of property as described in subdivision (2) of subsection 1 of**
51 **section 537.600, and the claim is also brought against an agent, officer**

52 or employee of the state or its public entities for causing or
53 contributing to cause the dangerous condition, then the maximum
54 allowable recovery against the state or its public entities or any agent,
55 officer, or employee who allegedly caused or contributed to cause the
56 dangerous condition shall be reduced by any amount paid toward the
57 claim made by the state, its public entities, any agent, officer, or
58 employee of the state or its public entities, or anyone acting on their
59 behalf.

60 5. The liability of the state or its public entities for operation of
61 a motor vehicle is vicarious to the liability of the operator of a motor
62 vehicle that is operated as described by subsection 3 of this
63 section. Notwithstanding the provisions of section 537.600, should the
64 operator of the motor vehicle owned or operated on behalf of the state
65 or its public entities be found to be immune from liability for operation
66 of a motor vehicle because of official immunity or otherwise, the state
67 or its public entities shall also have no liability arising from the
68 operation of the motor vehicle.

69 6. No award for damages on any claim against a public entity within the
70 scope of sections 537.600 to 537.650, shall include punitive or exemplary
71 damages.

72 [4.] 7. If the amount awarded to or settled upon multiple claimants
73 exceeds two million dollars, any party may apply to any circuit court to apportion
74 to each claimant his proper share of the total amount limited by subsection 1 of
75 this section. The share apportioned each claimant shall be in the proportion that
76 the ratio of the award or settlement made to him bears to the aggregate awards
77 and settlements for all claims arising out of the accident or occurrence, but the
78 share shall not exceed three hundred thousand dollars.

79 [5.] 8. The limitation on awards for liability provided for in this section
80 shall be increased or decreased on an annual basis effective January first of each
81 year in accordance with the Implicit Price Deflator for Personal Consumption
82 Expenditures as published by the Bureau of Economic Analysis of the United
83 States Department of Commerce. The current value of the limitation shall be
84 calculated by the director of the department of insurance, who shall furnish that
85 value to the secretary of state, who shall publish such value in the Missouri
86 Register as soon after each January first as practicable, but it shall otherwise be
87 exempt from the provisions of section 536.021, RSMo.

88 [6.] 9. Any claim filed against any public entity under this section shall
89 be subject to the penalties provided by supreme court rule 55.03.

 [226.095. Upon request of the plaintiff in a negligence
2 action against the department of transportation as defendant, the
3 case shall be arbitrated by a panel of three arbiters pursuant to the
4 provisions of chapter 435, RSMo.]

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Unofficial

Bill

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